

Committee on Resources, Subcommittee on Energy & Mineral Resources

[energy](#) - - Rep. Barbara Cubin, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6208 - - (202) 225-9297

Witness Statement

Congressman Joe Skeen
Testimony on H.R. 1913
September 13, 2001
House Resource Committee
U. S. House of Representatives

Madam Chairman, I want to extend my very warm regards to you for holding this hearing today. I know how busy the committee has been working on your major energy bill as well as countless other issues. The Acoma people, who are here today will also be expressing their appreciation to you. I know late last year you made a commitment to work with me on this bill and now that we have at least a partial team in place at the Interior Department I think we can move forward.

The Acoma Pueblo comprises some 380,000 acres located 56 miles west of Albuquerque. The legislation deals with the sub-surface mineral rights of Acoma Pueblo trust lands. The people of Acoma Pueblo, like many Native American tribes, have sought to restore its reservation to its historic boundaries. Over 6,000 Pueblo members live on and around the Acoma Mesa which was originally referred to as "Sky City". The older village lies 365 feet above the surrounding valley of sparse dry farmland with its mixture of pinon and juniper. It is thought to be one of the oldest continually inhabited sites in the United States, first reported by Fray Marcos de Niza in 1539 and then visited by Francisco de Coronado's army in 1540.

The Spanish made the original land grant to the Pueblo of Acoma on September 20, 1689 and President Grant confirmed the grant by patent issued on November 19th, 1877. In 1988, the Pueblo purchased a large ranch that adjoined their reservation and subsequently the Secretary of the Interior took over 100,000 surface acres into trust for the Pueblo and it became a permanent part of the reservation. This additional land is necessary as the Pueblo grows and prospers because of new economic activity.

When Acoma purchased the ranch the subsurface mineral rights were not part of the land transfer. This is not an uncommon occurrence in the West where only the surface estate is sold from owner to owner. Much of this practice goes back to the settling of the West when the federal government awarded checkerboarded pieces of land to railroads in return for their building lines across the nation. The railroads then sold the land off to finance their companies activities but kept the subsurface mineral estate.

Under this legislation, the current owner of the subsurface estate would enter into an exchange agreement with the Bureau of Land Management (BLM) for equal valued federal lands and rights. In return the BLM would receive the subsurface rights within the Pueblo boundaries which would be placed into trust by the Secretary of the Interior for the benefit of the Acoma Pueblo unifying both the surface and subsurface estate.

This legislation amounts to a win-win for all of the stakeholders involved. First, the Acoma Pueblo does not

have to worry about the sub-surface mineral rights holder attempting to exercise its rights. This legislation gives them the total control over their lands that they need and deserve under the trust responsibility of the United States. The current third party owner of the sub-surface mineral estate is made whole without having to exercise their rights and being placed in conflict with the Acoma Pueblo. And finally the public wins because excess federal lands will go into the private sector and will be returned to the tax rolls.

Although the mineral rights in question are of an undetermined value due to the fact that very little oil and gas exploration or any other type of exploration has taken place on these lands. Total control over their land allows the Acoma people to engage in mineral exploration if they deem it appropriate. Such exploration will not occur without this legislation.

The Acoma people are part of a proud Pueblo which provides New Mexico with a major portion of the rich cultural heritage which makes my state the "Land of Enchantment". In closing I ask the committee to do the right thing and pass this legislation so the Acoma people can continue their journey to greatness.

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